

29 | the signatures on a petition; requiring the State
30 | Board of Education to adopt rules for filing a
31 | petition; specifying that a petition is valid if it is
32 | signed and dated by a majority of the parents of
33 | eligible students and those signatures are verified;
34 | requiring the school district to consider the
35 | turnaround option on the valid petition with the most
36 | signatures at a publicly noticed school board meeting;
37 | requiring the school district to submit an
38 | implementation plan to the state board; amending s.
39 | 1008.33, F.S.; authorizing a parent to petition the
40 | school district to implement a turnaround option
41 | selected by the parent; amending s. 1012.2315, F.S.;
42 | providing for assistance to teachers teaching out-of-
43 | field; requiring the school district to notify parents
44 | and inform them of their options if a student is being
45 | taught by an out-of-field teacher; providing that a
46 | student may not be assigned to an unsatisfactory
47 | teacher in a single subject for two consecutive school
48 | years; repealing s. 1012.42, F.S., relating to
49 | teachers who are teaching out-of-field; providing an
50 | effective date.

51 |
52 | Be It Enacted by the Legislature of the State of Florida:

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54 | Section 1. Subsection (3) of section 1001.10, Florida
55 | Statutes, is amended to read:

56 | 1001.10 Commissioner of Education; general powers and

57 | duties.—

58 | (3) To facilitate innovative practices and ~~to allow~~ local
 59 | selection of educational methods, the State Board of Education
 60 | may authorize the commissioner to waive, upon the request of a
 61 | district school board, rules of the State Board of Education
 62 | relating ~~rules that relate~~ to ~~district~~ school instruction and
 63 | ~~school~~ operations, except those rules pertaining to civil
 64 | rights, and student health, safety, and welfare. The
 65 | commissioner ~~of Education~~ is not authorized to grant waivers for
 66 | any provisions in rule pertaining to the allocation and
 67 | appropriation of state and local funds for public education; the
 68 | election, compensation, and organization of school board members
 69 | and superintendents; graduation and state accountability
 70 | standards; financial reporting requirements; reporting of out-
 71 | of-field teaching assignments under s. 1012.2315 ~~s. 1012.42~~;
 72 | public meetings; public records; or due process hearings
 73 | governed by chapter 120. No later than January 1 of each year,
 74 | the commissioner shall report to the Legislature and the State
 75 | Board of Education all approved waiver requests in the preceding
 76 | year.

77 | Section 2. Paragraph (d) is added to subsection (21) of
 78 | section 1002.20, Florida Statutes, and subsection (25) is added
 79 | to that section, to read:

80 | 1002.20 K-12 student and parent rights.—Parents of public
 81 | school students must receive accurate and timely information
 82 | regarding their child's academic progress and must be informed
 83 | of ways they can help their child to succeed in school. K-12
 84 | students and their parents are afforded numerous statutory

85 | rights including, but not limited to, the following:

86 | (21) PARENTAL INPUT AND MEETINGS.—

87 | (d) Parent empowerment.—Parents of students who are
 88 | assigned to a public school that is required to implement a
 89 | turnaround option pursuant to s. 1008.33 may submit a petition
 90 | to the school district requesting implementation of a turnaround
 91 | option pursuant to s. 1003.07.

92 | (25) ASSIGNMENT TO TEACHERS.—

93 | (a) Out-of-field classroom teachers.—Each school district
 94 | shall annually notify the parent of a public school student who
 95 | is assigned to a classroom teacher teaching out-of-field. The
 96 | notice must inform the parent that virtual instruction from a
 97 | certified in-field teacher having an annual performance
 98 | evaluation rating of "effective" or "highly effective" is
 99 | available pursuant to s. 1012.2315(5).

100 | (b) Underperforming classroom teachers.—Each school
 101 | district shall annually notify the parent of a public school
 102 | student assigned to a classroom teacher or school administrator
 103 | who, under s. 1012.34, has two consecutive annual performance
 104 | evaluation ratings of "unsatisfactory," two annual performance
 105 | evaluation ratings of "unsatisfactory within a 3-year period,"
 106 | or three consecutive annual performance evaluation ratings of
 107 | "needs improvement" or a combination of "needs improvement" and
 108 | "unsatisfactory." The notice must inform the parent that virtual
 109 | instruction from a teacher who has an annual performance
 110 | evaluation rating of "effective" or "highly effective" is
 111 | available pursuant to s. 1012.2315(7).

112 | Section 3. Paragraph (c) of subsection (7) of section

113 | 1002.32, Florida Statutes, is amended to read:
 114 | 1002.32 Developmental research (laboratory) schools.—
 115 | (7) PERSONNEL.—
 116 | (c) Lab school faculty members shall meet the
 117 | certification requirements of s. 1012.32 ~~ss. 1012.32 and~~
 118 | ~~1012.42.~~

119 | Section 4. Paragraph (b) of subsection (16) of section
 120 | 1002.33, Florida Statutes, is amended to read:

121 | 1002.33 Charter schools.—
 122 | (16) EXEMPTION FROM STATUTES.—

123 | (b) Additionally, a charter school shall comply ~~be in~~
 124 | ~~compliance~~ with the following statutes:

125 | 1. Section 286.011, relating to public meetings and
 126 | records, public inspection, and criminal and civil penalties.

127 | 2. Chapter 119, relating to public records.

128 | 3. Section 1003.03, relating to the maximum class size,
 129 | except that the calculation for compliance pursuant to s.
 130 | 1003.03 must ~~shall~~ be the average at the school level.

131 | 4. Section 1012.22(1)(c), relating to compensation and
 132 | salary schedules.

133 | 5. Section 1012.33(5), relating to workforce reductions.

134 | 6. Section 1012.335, relating to contracts with
 135 | instructional personnel hired on or after July 1, 2011.

136 | 7. Section 1012.34, relating to the substantive
 137 | requirements for performance evaluations for instructional
 138 | personnel and school administrators.

139 | 8. Section 1012.2315(5) and (7), relating to the
 140 | assignment of teachers and notification to parents.

141 Section 5. Section 1003.07, Florida Statutes, is created
142 to read:

143 1003.07 Parent empowerment.—

144 (1) This section may be cited as the "Parent Empowerment
145 Act."

146 (2) As used in this section, the term:

147 (a) "Eligible student" means a student enrolled in a
148 school in which a turnaround option will be implemented or a
149 student who, under the school district's enrollment policy, is
150 scheduled for assignment to that school the following school
151 year. A student who is graduating or being promoted out of a
152 school that is eligible for a turnaround option and who will not
153 be enrolled in that school the following school year is not an
154 eligible student.

155 (b) "Parental vote" means the signature of one parent of
156 an eligible student.

157 1. If the other parent objects in writing to the parental
158 vote before the date the petition is scheduled to be submitted,
159 and if the parents have equal parental rights, the parental vote
160 counts for one-half of a vote.

161 2. If one parent has sole parental responsibility or holds
162 the right to make educational decisions for the student pursuant
163 to s. 61.13, only that parent can vote regarding the eligible
164 student.

165 (3) Each school district shall notify, in writing, the
166 parents of eligible students and the school advisory council
167 when a public school has been unable to improve performance and
168 is required to implement a turnaround option pursuant to s.

169 1008.33. The written notice must inform parents that, before the
 170 district school board selects a turnaround option, parents may
 171 petition for implementation of a particular turnaround option,
 172 pursuant to s. 1008.33. The notice must be provided to parents
 173 within 30 calendar days after the school district receives
 174 notice from the department that the school is required to
 175 implement a turnaround option. The notice must include:

176 (a) A description of each turnaround option available for
 177 selection under s. 1008.33;

178 (b) A description of the process for implementing a
 179 turnaround option, including the date by which the school
 180 district must submit its implementation plan to the State Board
 181 of Education;

182 (c) The date and location for submission of the petition;

183 (d) The date and location of the publicly noticed district
 184 school board meeting required in this section at which the
 185 school board will consider the available turnaround options; and

186 (e) The contact information of the district school board.

187 (4) A person who solicits signatures may not offer
 188 monetary compensation, a promise of employment, or any other
 189 reward to a parent for signing a petition. A person who solicits
 190 signatures may not be paid per signature and, if asked, must
 191 disclose the organization he or she represents. A for-profit
 192 corporation, business, or entity is prohibited from gathering
 193 signatures or paying others to solicit signatures.

194 (5) The State Board of Education shall adopt rules to
 195 establish a petition format, the petition submission process,
 196 standards for verifying signatures, and timeframes for the

197 verification and consideration of a petition at a publicly
 198 noticed meeting. Petition forms must be easily accessible to
 199 parents. Each petition form must clearly identify only one
 200 turnaround option on the front page of the petition and on each
 201 page thereafter. The school district shall provide clear
 202 instructions and a sample petition form for each turnaround
 203 option available for selection under s. 1008.33.

204 (6) The petition process must provide that:

205 (a) Parents of eligible students have at least 30 days
 206 after initial notification to gather petition signatures.

207 (b) The school district shall verify signatures no more
 208 than 30 days after the date the petition is submitted.

209 (c) The district school board may not meet sooner than 30
 210 days after the petition is submitted.

211 (d) A submitted petition may list only one turnaround
 212 option identified in s. 1008.33 which is not currently being
 213 implemented at the school. A parent may sign more than one
 214 petition for a turnaround option.

215 (e) A parent signature constitutes a certification that
 216 the parent has a present intention to enroll his or her child,
 217 who must be identified on the petition, if the turnaround option
 218 identified on the petition is selected. A school district may
 219 not reject a parent's signature on a petition on the basis that
 220 the parent signed the petition before the initial notice.

221 (f) The school district shall verify at least a majority
 222 of the signatures on the petition using existing student
 223 enrollment documentation or other records containing parent
 224 signatures. A school district may not reject a parent's

225 signature on a petition based on a lack of conformity to
226 signatures in school records if the parent's identity and
227 signature can be easily validated with a photographic
228 identification or a notarized signature verifying the identity
229 of the signer, or by the personal knowledge of a school
230 employee. The school district is not required to verify
231 notarized signatures, and signatures verified outside an
232 established verification period are valid.

233 (g) For a petition to be valid, it must bear the dated
234 signatures of a majority of the parents of eligible students.
235 For purposes of this section, a majority is more than one-half
236 of the parents who are eligible to sign the petition. Only one
237 parental vote per eligible student may be counted with respect
238 to each petition.

239 (h) If valid petitions for more than one turnaround option
240 are submitted, the petition having the most signatures is the
241 official turnaround option selected by parents.

242 (7) The turnaround option selected by parents must be
243 considered for implementation by the school district at a
244 publicly noticed district school board meeting. The district
245 school board may adopt the turnaround option selected by parents
246 or a different turnaround option selected by the district school
247 board. Pursuant to s. 1008.33, an implementation plan for the
248 adopted turnaround option must be submitted to the state board.

249 (a) If the district school board adopts a turnaround
250 option that is different from the turnaround option selected by
251 parents, it shall identify with its submission the turnaround
252 option selected by parents.

253 (b) If the state board determines that the turnaround
 254 option selected by parents is more likely to improve the
 255 academic performance of students at the school, the district
 256 school board shall submit to the state board an implementation
 257 plan for the turnaround option selected by parents.

258 (c) If the school improves by at least one letter grade,
 259 then implementation of a turnaround option is no longer required
 260 in accordance with s. 1008.33(4) (d).

261 Section 6. Subsection (4) of section 1008.33, Florida
 262 Statutes, is amended to read:

263 1008.33 Authority to enforce public school improvement.—

264 (4) (a) The state board shall apply the most intense
 265 intervention and support strategies to schools earning a grade
 266 of "F." In the first full school year after a school initially
 267 earns a grade of "F," the school district must implement
 268 intervention and support strategies prescribed in rule under
 269 paragraph (3) (c), select a turnaround option from those provided
 270 in subparagraphs (b)1.-5., and submit a plan for implementing
 271 the turnaround option to the department for approval by the
 272 state board. Upon approval by the state board, the turnaround
 273 option must be implemented in the following school year.

274 (b) Except as provided in subsection (5), the turnaround
 275 options available to a school district to address a school that
 276 earns a grade of "F" are:

- 277 1. Convert the school to a district-managed turnaround
- 278 school;
- 279 2. Reassign students to another school and monitor the
- 280 progress of each reassigned student;

281 3. Close the school and reopen the school as one or more
 282 charter schools, each with a governing board that has a
 283 demonstrated record of effectiveness;

284 4. Contract with an outside entity that has a demonstrated
 285 record of effectiveness to operate the school; or

286 5. Implement a hybrid of turnaround options set forth in
 287 subparagraphs 1.-4. or other turnaround models that have a
 288 demonstrated record of effectiveness.

289 (c) Parents of students who are assigned to a public
 290 school that is required by the State Board of Education to
 291 implement a turnaround option may petition the school district
 292 to implement one of the turnaround options in paragraph (b)
 293 selected by the parents pursuant to s. 1003.07.

294 (d)~~(e)~~ Except for schools required to implement a
 295 turnaround option pursuant to subsection (5), a school earning a
 296 grade of "F" shall have a planning year followed by 2 full
 297 school years to implement the initial turnaround option selected
 298 by the school district and approved by the state board.
 299 Implementation of the turnaround option is no longer required if
 300 the school improves by at least one letter grade.

301 (e)~~(d)~~ A school earning a grade of "F" that improves its
 302 letter grade must continue to implement strategies identified in
 303 its school improvement plan pursuant to s. 1001.42(18)(a). The
 304 department must annually review implementation of the school
 305 improvement plan for 3 years to monitor the school's continued
 306 improvement.

307 (f)~~(e)~~ If a school earning a grade of "F" does not improve
 308 by at least one letter grade after 2 full school years of

309 implementing the turnaround option selected by the school
 310 district under paragraph (b), the school district must select a
 311 different option and submit another implementation plan to the
 312 department for approval by the state board. Implementation of
 313 the approved plan must begin the school year following the
 314 implementation period of the existing turnaround option, unless
 315 the state board determines that the school is likely to improve
 316 a letter grade if additional time is provided to implement the
 317 existing turnaround option.

318 Section 7. Section 1012.2315, Florida Statutes, is amended
 319 to read:

320 1012.2315 Assignment of teachers.—

321 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds
 322 disparities between teachers assigned to teach in a majority of
 323 schools that do not need improvement and schools that do need
 324 improvement pursuant to s. 1008.33. The disparities may be found
 325 in the assignment of temporarily certified teachers, teachers in
 326 need of improvement, and out-of-field teachers and in the
 327 performance of the students. It is the intent of the Legislature
 328 that district school boards have flexibility through the
 329 collective bargaining process to assign teachers more equitably
 330 across the schools in the district.

331 (2) ASSIGNMENT TO SCHOOLS GRADED "D" or "F".—School
 332 districts may not assign a higher percentage than the school
 333 district average of temporarily certified teachers, teachers in
 334 need of improvement, or out-of-field teachers to schools graded
 335 "D" or "F" pursuant to s. 1008.34. Each school district shall
 336 annually certify to the commissioner ~~of Education~~ that this

337 requirement has been met. If the commissioner determines that a
 338 school district is not in compliance with this subsection, the
 339 State Board of Education must ~~shall~~ be notified and shall take
 340 action pursuant to s. 1008.32 in the next regularly scheduled
 341 meeting to require compliance.

342 (3) SALARY INCENTIVES.—District school boards may ~~are~~
 343 ~~authorized to~~ provide salary incentives to meet the requirement
 344 of subsection (2). A district school board may not sign a
 345 collective bargaining agreement that precludes the school
 346 district from providing sufficient incentives to meet this
 347 requirement.

348 (4) COLLECTIVE BARGAINING.—Notwithstanding provisions of
 349 chapter 447 relating to district school board collective
 350 bargaining, collective bargaining provisions may not preclude a
 351 school district from providing incentives to high-quality
 352 teachers and assigning such teachers to low-performing schools.

353 (5) ASSISTANCE TO OUT-OF-FIELD TEACHERS.—

354 (a) Each district school board shall adopt rules for
 355 administering an assistance plan for each classroom teacher who
 356 is teaching out-of-field. The assistance plan must provide
 357 teachers who are teaching out-of-field with priority
 358 consideration in professional development activities and require
 359 such teachers to participate in a certification or staff
 360 development program that provides the competencies required for
 361 the assigned duties. A school district may reimburse a teacher
 362 who is teaching out-of-field for a certification fee. The
 363 assistance plan must also include duties of administrative
 364 personnel and other instructional personnel for assisting a

365 teacher who is teaching out-of-field.

366 (b) The school district shall annually notify the parent
 367 of a student who is assigned to a classroom teacher teaching a
 368 subject matter that is:

- 369 1. Outside the field in which the teacher is certified;
- 370 2. Outside the field that was the teacher's minor field of
 371 study; or
- 372 3. Outside the field in which the teacher has demonstrated
 373 sufficient subject area expertise, as determined by district
 374 school board policy, in the subject area to be taught.

375
 376 The notice must inform the parent that virtual instruction from
 377 a certified in-field teacher who has an annual performance
 378 evaluation rating of "effective" or "highly effective" under s.
 379 1012.34 is available to his or her child through the virtual
 380 instruction options specified in s. 1002.321(4).

381 (6) ~~(5)~~ REPORT.—

382 ~~(a)~~ By July 1, 2012, the department of Education shall
 383 annually report on its website, in a manner that is accessible
 384 to the public, the performance rating data reported by district
 385 school boards under s. 1012.34. The report must include the
 386 percentage of classroom teachers, instructional personnel, and
 387 school administrators receiving each performance rating
 388 aggregated by school district and by school.

389 (7) ASSIGNMENT OF TEACHERS BASED UPON PERFORMANCE
 390 EVALUATIONS.—

391 (a) ~~(b)~~ Notwithstanding the provisions of s.
 392 1012.31(3)(a)2., each school district shall annually notify

393 ~~report to~~ the parent of a any student who is assigned to a
394 classroom teacher or school administrator having two consecutive
395 annual performance evaluation ratings of "unsatisfactory" under
396 s. 1012.34, two annual performance evaluation ratings of
397 unsatisfactory within a 3-year period under s. 1012.34, or three
398 consecutive annual performance evaluation ratings of "needs
399 improvement" or a combination of "needs improvement" and
400 "unsatisfactory" under s. 1012.34. The notice must inform the
401 parent that virtual instruction from a teacher having a
402 performance evaluation rating of "highly effective" or
403 "effective" under s. 1012.34 is available to his or her child
404 through the virtual instruction options specified in s.
405 1002.321(4).

406 (b) If a high school or middle school student is currently
407 taught by a classroom teacher who, during that school year,
408 receives a performance evaluation rating of "needs improvement"
409 or "unsatisfactory" under s. 1012.34, the student may not be
410 assigned the following school year to a classroom teacher in the
411 same subject area who received a performance evaluation rating
412 of "needs improvement" or "unsatisfactory" in the preceding
413 school year.

414 (c) If an elementary school student is currently taught by
415 a classroom teacher who, during that school year, receives a
416 performance evaluation rating of "needs improvement" or
417 "unsatisfactory" under s. 1012.34, the student may not be
418 assigned the following school year to a classroom teacher who
419 received a performance evaluation rating of "needs improvement"
420 or "unsatisfactory" in the preceding school year.

PCS for HB 867

ORIGINAL

2013

421 | Section 8. Section 1012.42, Florida Statutes, is repealed.

422 | Section 9. This act shall take effect July 1, 2013.